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OFFICE OF PETITIONS

In re Application of :
Toshiaki Kakutani :
Application No. 10/810,062 :
Filed: March 26, 2004 : DECISION ON PETITION
Attorney Docket No. MIPFP084 : UNDER 37 C.F.R. §1.181(A)
Title: TECHNIQUE FOR IMAGE DATA :
RECORDING :
:

This is a decision on the petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment, filed on August 8, 2005.

The Office regrets the delay in issuing this decision.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 28, 2004, which set a shortened statutory period for reply of two (2) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 29, 2004. A Notice of Abandonment was mailed June 10, 2005.

With the present petition, Petitioner has included a declaration, drawings, an English language translation of the specification, claims, and abstract, and a cover sheet which bears a certificate of mailing dated November 29, 2004. It is noted that November 28, 2004 fell on a Sunday.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that petitioner has met his burden of establishing that a timely response was timely submitted, pursuant to 37 C.F.R. §1.8.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**.
The holding of abandonment is **WITHDRAWN**.

The Office of Initial Patent Examination will be notified of this decision.

The basic filing fee, and the fees associated with the late submission of an oath or declaration and the submission of an English translation have been charged to Petitioner's Deposit Account, as authorized in the petition.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
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